

May 14, 1975

it actually the bill?

CLERK: We haven't been able to find it in the committee amendment, Senator Bereuter.

SENATOR BEREUTER: I couldn't find it either. That's why I'm asking.

PRESIDENT: On the point, I might say that the motion was written to amend the committee amendments and so we're using that as the basis and so shall carry on that way. Senator Syas, you wish to speak to the amendment or just hear it?

SENATOR SYAS: I wanted to hear it. I just didn't quite catch what he said the first time.

PRESIDENT: All right, would you read the amendment again?

CLERK: To amend the committee amendments to LB 325, page 5, section 5 (2), line 3, by striking the word "right" and insert the word "privilege".

PRESIDENT: Senator Chambers, did you wish to speak to this before the close?

SENATOR CHAMBERS: So I'm clear, Senator Simpson, and members of the Legislature, I'm looking at the green copy and.....Okay, just so I have the right reference. Members of the Legislature, that language says the public shall have the right to attend and the right to speak at meetings. It doesn't say at all meetings. It doesn't say at all meetings and if the law does not say at all meetings, this means that a body can adopt reasonable rules regulating this right to speak. A right is not absolute merely by stating that it's a right. I'm opposed to changing this word from right to privilege because once you say it's a privilege that means it's strictly up to the governing body to determine whether anybody will ever be allowed to speak. A citizen has a right to speak at meetings related to deliberations that will affect his or her life and the lives of their children. I don't see any need to change this at all. If the language said the public shall have the right to attend and the right to speak at all meetings of public bodies, then I could see a reason to delude it but I don't know who Senator Koch has talked to but his amendment sounds very suspiciously like something that a certain Chamber of Commerce group was trying to get together which in effect would penalize the citizen for bringing an action against a public body for being in violation of open meeting laws. I hope you think very seriously and carefully about what Senator Koch is suggesting that you do. I believe he knows very well the difference between privilege and right. I believe that if we give it a little thought, we all know the difference ourselves. I'm telling you that you cannot trust public bodies to bestow a privilege when it's clear from the very existence of the law like this that you've got to compel them to open